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**INTERROGATING COMMUNITY AND FAMILY PERCEPTIONS  
TOWARDS FORMER WOMEN PRISONERS AFTER REINTEGRATION:  
A CASE STUDY OF JINJA AND SELECTED WOMEN PRISONS IN EAST  
AND CENTRAL UGANDA**

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**BY**

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## Abstract

**This research critically analyses some of the major reasons why the rehabilitation and reintegration programmes in at least 2 of Uganda’s women prisons fail in their main objective of ensuring that former female prisoners make a success of their lives after leaving prison. Written by a UPS (Ugandan Prison Service) Regional Welfare and Rehabilitation Officer, this is a ground-breaking study. It is apparently the first of its kind by an insider who uses his unique access to women prisoners to interrogate the failure of the Ugandan Government to translate its laudable prohibitions against gender and other forms of discrimination contained in its Constitution (and other Human Rights Instruments it has ratified, such as CEDAW) into its prison policies, legislation, programmes and budgets which directly affect women prisoners. The writer effectively reveals this unfortunate mismatch between the government’s intended and actual reality for its current and former women prisoners by employing the Women’s Law Approach to conduct his research. This unique approach harnesses several complementary methodologies (including the Grounded Theory and Human Rights Approaches) in a gender sensitive manner in order to interrogate the complete dynamic (i.e., legal, social, economic and cultural) of the prison systems and the communities within which they exist from the point of view of current as well as former women prisoners. The data gathered by the research includes desk research of relevant law and literature, in-depth interviews and group discussions with prisoners, prison and government officials as well as members of the community. He finds that in the absence of any gender experts within the hierarchy of the prison system, pre-release preparation and post-release support policies and programmes are typically structured around the needs of men and rarely address sex and gender-specific needs of women prisoners. In effect, despite Independence, the male-dominated UPS continues to be run as it was during Uganda’s colonial days causing it to suffer from what the writer calls ‘inadvertent discrimination’. In order to rectify this, the writer makes some valuable policy and budgetary recommendations in order to make the UPS more gender sensitive towards its current and former female prisoners.**

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## **Declaration**

I hereby declare that the work presented in this research write up is my own research and has not been submitted for any Degree in any University.

Signed.....

Owino Anthony

Date: 5<sup>th</sup> April 2012

This research has been submitted with my approval as the University Supervisor.

Signed.....

Prof. Julie Stewart

Date: 5<sup>th</sup> April 2012

## **Dedication**

I dedicate this work to my beautiful mother Mrs. Oliver Kokuzanisa who suffered single handedly to see that I, my brothers and sisters attain good education in life. I do not know how I can reward you other than praying for you. I cannot forget to thank the most beautiful woman on earth Nginah Beatrice for taking on the responsibility of my three children Patience Nyadoi Maria Juliana, Mark Olowo Prosper and Mathew Jaguta and this one took long to recognize me as the father because of this programme. Beatrice you are the hero of my heart I love you my dear and I cannot measure your love and care.

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I dedicate this work to women prisoners in Uganda particularly Masindi Women Prison and Jinja, Women Prison. I have committed to join the struggle for your recognition in Prisons.

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## List of Acronyms

CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
FAL	Functional Adult Literacy
FGD	Focus Group Discussion
GP	Gender Planning
HRA	Human Rights Approach
HRA	Human Rights Approach
ICCPR	International Covenant on Economic and Social Rights
ICRC	Convention on the Rights of Children
IHRS	International Human Rights Standards
LC	Local Council
MFPED	Ministry of Finance, Planning and Economic Development
MoLG	Ministry of Local Government
MTEF	Medium Term Expenditure Framework
NAPW	National Action Plan on Women
NGO	Non Governmental Organization
NGOs	Non Governmental Organisations
NGP	National Gender Policy
PAF	Poverty Action Fund
PEAP	Poverty Eradication Action Plan
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNCPCOT	United Nations Congress on the Prevention of Crime and Treatment of Offenders
UNO	United Nations Organization
UPS	Uganda Prison Service
UPTS	Uganda Prison Training School
WLA	Women's Law Approach



## **List of Statutes cited**

Constitution of Uganda of 1995

The Uganda Prisons Act of 2006

## **Regional and International Instruments cited**

International Covenant on Civil and Political Rights

International Covenant on Economic, Social and Cultural Rights

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Convention on the Rights of the Child

Standard Minimum Rules for the Treatment of Prisoners

Basic Principles for the Treatment of Prisoners

Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

United Nations Rules for the Protection of Juveniles Deprived of their Liberty

United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules)

United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)

Standard Minimum Rules for the Treatment of Female Prisoners and Non-Custodial Measures for Women Offenders

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## **Executive Summary**

This research study was conducted in two major prisons in Uganda, (Jinja women prison and Kampala Women Prison) including Kampala, Jinja, Kamuli and Buyende districts respectively. The research was conducted from October 2011 to February 2012. It interrogated community perception towards former women prisoners' vis-à-vis reintegration and rehabilitation. To carry out this research, it was necessary to interrogate Uganda Prisons Service and find out whether women prisoners were adequately prepared for proper rehabilitation and reintegration before released.

The research brought out former women prisoner's real voices and stories of their experiences in the community. This involved also interrogating woman in prison and their expectations after release, various stakeholders' voices were also captured in this research because it was vital to know the position of women from different perspective. However, It came to light that, a sizeable number of women go to prison due to domestic related wrangles involving unequal rights and access to resources in the community. It was pointed out also that patriarchy characterized by misogyny in community was the main cause of former women prisoners' distress and oppression. Findings of the research revealed that there were an indirect discrimination against female prisoners while preparing them for rehabilitation and reintegration before release. Women prisoners were judged according to male's standards in prison. It was indicated further that Former women prisoners faced discrimination and rejection in community after reintegration simply because they saw no new added value from the previous woman.

Various methodologies were employed to investigate the study, for example the research drew from women's law approach. That Involved interrogating female prisoner's lived realities while critiquing the law. Human Rights approach was necessary in this research to highlight Uganda Prisons Service compliance with the International Human Rights Standard and women in prison. Gender and sex tool was necessary to find out whether prisons cater for women's needs. It was on this note, that the research concluded that indirect discrimination against women prisoners was habitual practice in Uganda Prison Service. As a result from the research, it was recommended that UPS should integrate gender planning style in the management of women prisoners in Uganda.

# CHAPTER ONE

## 1.0 BACKGROUND TO THE RESEARCH

### 1.1 Introduction

The preparation and development of this research work took me five months in Uganda. When I started working in Uganda Prison Service I felt pity for the women who were being convicted and given long sentences. I witnessed this for a period of about three and half years. I used to become emotionally upset witnessing some women serving prison sentences while they were breast feeding their babies. Although I was their Welfare and Rehabilitation Officer I could not easily understand or realize their needs while they were incarcerated. Visitors to the women's prisons would also be upset and ask me questions like: "*What circumstances bring a woman to prison?*" And so I became very interested in finding answers to this question and to issues concerning how incarceration affects women, not only during but also after their incarceration.

It was difficult for me to tell my superiors at work that I intended to do a Masters in Women's Law. It became more challenging for me when I was asked the relevance of this Masters Programme to prisons. I have always wanted to find out what actually concerned women in custody and also to understand the community's perception of women prisoners and former women prisoners. It is sometimes assumed by the community that women who have been to prison are bad women and have no morals. This is not always the case. Some women are driven to commit what society defines as criminal behaviour because of serious emotional or economic deprivation. As you read the findings on which this research is based you will find that the crimes of most of the women prisoners interviewed were related to domestic wrangles that could have been solved even at a village level. Former and serving women prisoners told of their experiences and the circumstances which led them to imprisonment. Interviews were often emotional experiences as the women had to reflect back to periods of regret, loss, suffering and trauma.

Prior to this research, I underwent training in capturing and recording narratives of respondents in Zimbabwe (Gweru Province). It involved interrogating women prisoners' experiences and access to

their lived realities. Uganda Prisons proved to be constraining as the interviews had to be conducted in the presence of prison guards. Former women prisoners spoke with ease in their homes but most of them lost their marriages on return from prison. Unfortunately, of all the former women prisoners I interviewed, not one of them benefited from any of the prison rehabilitation and reintegration programmes after release.

I hope these research findings will help those working in Uganda Prisons Service, law makers, human rights, NGOs and other researchers who are interested in understanding women prisoner's situations to look at ways in which our own systems may be improved to help the needy and vulnerable members of society.

## **1.2 Methodology**

This research study was conducted in two major prisons in Uganda (Jinja Women's Prison and Kampala Women's Prison) covering Kampala, Jinja, Kamuli and Buyende districts respectively. The research was conducted from October 2011 to February 2012. It was intended to interrogate community perceptions towards former women prisoners vis-à-vis reintegration and rehabilitation. To carry out this research, it was necessary to interrogate Uganda Prisons Service and find out whether women prisoners were adequately prepared for proper rehabilitation and reintegration before their release.

The research aimed at capturing former women prisoners' real voices and stories of their experiences in the community. It involved interviewing women in prison and their expectations after release. The main strategy of this research was to have various actors and structures' views and experiences of dealing with pre- and post-release women prisoners. Having a community's perception from a different angle (mainly men) was necessary during this research because men are in control of prisons so their voices are important; but so are the voices of husbands, and this created a more balanced perspective concerning former and serving prisoners.

One of the major aims of this research was to investigate the probable challenges women face while incarcerated and to find out how they cope with prison life. This study looked at various structures

and actors that contribute to female prisoners' welfare during imprisonment and at release. Rehabilitation and Reintegration Programmes for women and men in prisons were assessed during this study. It was important to find out how these activities help former women prisoners after release. Uganda Prisons' working documents were assessed while conducting this research to find out how they appreciated and responded to the sex and gender needs of women in prison.

In relation to that, the research aimed at assessing the implementation strategy that Uganda Prison Services uses to achieve equal access and equal benefits for all their prisoners. It was also important in this research to assess whether Uganda Prisons Services complied with the various International Human Rights Instruments that Uganda has ratified.

### **1.3 Problem Statement**

A review of literature and my experience in Uganda Prison Service indicate that there is inadequate information concerning women prisoners' special needs in Uganda's Prisons. For example, the Uganda Prisons Act of 2006 provides the mandate and functions of the unified Uganda Prisons Service but it does not articulate clearly real gender issues concerning women prisoners. Prisons ignore women prisoners' special needs because it does not appreciate how sex and gender concepts work to discriminate against women.

However this is probably true of all prisons departments as they ignore gender components in the planning process. Uganda Prisons Training School does not teach gender-related programmes to newly recruited prison staff because women's needs in prison are overlooked. Despite Uganda's commitment to gender mainstreaming in all government departments, the Uganda Prisons Service has not done well on sex and gender issues and this is because no one has challenged the male prison regime.

The Government of Uganda has set up the National Gender Policy which provides for mainstreaming gender in all aspects of the development process. The goal of the National Action Plan on Women is to achieve equal opportunities for women by empowering them to participate in and benefit from the social, economic and political development of Uganda.

Although the Uganda Prison Service (UPS) has successfully united all former local prisons by bringing them under a central government umbrella and by meeting together the staff remuneration, it has done less on the issues concerning equal access and equal benefits for women prisoners. It should be noted that UPS is a state actor of Uganda government and is, therefore, required to fulfil the government's commitments, for example, to CEDAW (which it has signed) and this includes preventing discrimination against women prisoners.

#### **1.4 Aims of the Research Study**

My main aim was:

- 1.4.1 To establish whether former women prisoners are accepted in the community and by their families after reintegration.
- 1.4.2 To find out if Uganda Prison Service appreciates and responds to the sex and gender needs of women prisoners.
- 1.4.3 To assess the efficacy of rehabilitation programmes given to women in prison and how they benefit from them after reintegration.

#### **1.5 Objectives of the Research**

- 1.5.1 To find out whether former women prisoners use the rehabilitation skills they were given in prison to sustain themselves and/or their families without depending on others after they are released.
- 1.5.2 To evaluate why women prisoners in Jinja are given rehabilitation programmes that are different from those given to male prisoners.

- 1.5.3 To interrogate the community's perception of and attitudes towards former women prisoners after they are released.
- 1.5.4 To establish the data concerning former women prisoners in relation to their husbands and families after reintegration.
- 1.5.5 To find out the expectations of incarcerated women in Jinja Women's Prison before reintegration.

## **1.6 Research Assumptions**

The research was guided by the following assumptions:

- 1.6.1 Prison authorities do not provide community sensitization about the role of prisons in the rehabilitation and reintegration of former women prisoners.
- 1.6.2 In Jinja District, the rights of former women prisoners to freedom and to participate in community development are violated.
- 1.6.3 The community in Jinja excludes former women prisoners from benefiting in government agricultural development programmes and other NGO support programmes because of their negative association with prison.
- 1.6.4 The Rehabilitation programmes designed for women in Jinja Prisons mirror the assumptions about gender roles and activities in the wider community and they negatively affect the capacity of women to cope with life after their release.
- 1.6.5 The reintegration policy is not grounded in a thorough understanding of women's social and economic needs.



- 1.6.6 The reintegration of women former prisoners into the community does not address reconciliation with the victims of the crime.
- 1.6.7 Imprisonment leads to dissolution of a woman's marriage after release.
- 1.6.8 Imprisonment leads to the rejection of former women prisoners by their families.

## **1.7 Research Questions**

- 1.7.1 Do prison authorities provide community sensitization about the role of rehabilitation and reformation of women prisoners?
- 1.7.2 Are former women prisoners' rights to participation in community development violated in Jinja?
- 1.7.3 Are former women prisoners excluded from benefiting from government agricultural development programmes and other NGO support programmes in Jinja?
- 1.7.4 Do rehabilitation programmes offered to women prisoners sustain them without their having to depend on others?
- 1.7.5 Is the prison reintegration policy grounded in an understanding of woman's social and economic needs?
- 1.7.6 Does the reintegration of former women prisoners address reconciliation with the victims of the crime?
- 1.7.7 Does imprisonment lead to the dissolution of the marriages of former women prisoners?
- 1.7.7 Does the imprisonment of a woman lead to rejection by her family?

## **1.8 Demarcation of the Study**

This research was conducted in two major prisons in Uganda (Jinja Women's Prison and Kampala Women's Prison) and four districts in Uganda including Kampala, Jinja, Kamuli and Buyenda. The study was conducted from October 2011 to February 2012. The majority of women prisoners were in their early 20s and 30s. There were fewer rehabilitation programmes offered to women as compared to male prisoners and the total number of women I interviewed was 63 of which 39 were female prisoners.

## CHAPTER TWO

### 2.0 LAW AND LITERATURE REVIEW

#### 2.1 Relevant laws governing Prison Conditions and the Treatment of Prisoners

There are several international instruments that provide standards for the treatment of women prisoners as well as the general condition for prisons. **The Standard Minimum Rules for the Treatment of Prisoners** is by far the most comprehensive instrument that prescribes acceptable treatment of prisoners or any persons subjected to any form of detention or imprisonment anywhere in the world. The rules, which were adopted in 1955 by the first United Nations Congress on the Prevention of Crime and Treatment of Offenders and approved in July 1957, provide rules applicable to all categories of prisoners and prison conditions. The rules cover such issues as rehabilitation and reintegration, accommodation, health, clothing, communication and religion and have set guidelines for discipline and punishment. It should be noted however that these rules are intended as *guidelines* rather than *binding rules*. Thus the extent to which these rules are observed or applied is subject to interpretation by individual states and the commitment that they have to international conventions and instruments. Practice may vary from country to country and Africa is not an exception to this (UNODC, 2008).

In Uganda, most women prisoners are discriminated against as compared to male prisoners in almost every aspect of prison life - including decisions made as to pre-trial detention, opportunities for reintegration and rehabilitation, education and employment, healthcare, and in the exercise of marital and parental rights. In many cases this discrimination is not intended by the prison authorities, but is the result of management regimes that designed prison systems mainly on men's needs.

## 2.2 International Human Rights Instruments

Article 10 of the **International Covenant on Civil and Political Rights (ICCPR)** states:

*“All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”*

This is mirrored in Article 1 of the **Basic Principles for the Treatment of Prisoners** which states:

*“All prisoners shall be treated with the respect due to their inherent dignity and value as human beings.”*

Article 5 of the **Universal Declaration of Human Rights (UDHR)** states:

*“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”*

Article 10(3) of **ICCPR** states that:

*“The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation.”*

Principle 5(2) of **The Standard Minimum Rules for the Treatment of Women in Prison** states:

*“The Protection of all persons under any form of detention or imprisonment makes clear that special measures to address the particular needs of women prisoners are not in themselves discriminatory.”*

**Human Rights Committee’s** General Comment 28 states that:

*“the rights of persons deprived of their liberty are protected on equal terms for men and women.”*

Article 3 of the **ICCPR** prohibits discrimination against women in prison.

Principle 8 of the **International Human Rights Standards** states that conditions (in prison) shall be created enabling prisoners to undertake meaningful remunerated employment which will facilitate their reintegration into the country's labour market and permit them to contribute to their own financial support and to that of their families.

Principle 4 states that (prisons must):

*“Respect and protect the rights and dignity of prisoners as well as ensure compliance with national and international standards.”*

Article 2(d) of **CEDAW** obligates states (including Uganda):

*“to refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation.”*

Article 2(c) of **CEDAW** requires state parties:

*“to integrate a gender perspective in their policy decisions, legislation, development plans, programs and activities, and in all other spheres of life.”*

Article 2 of **CEDAW** obliges State parties to protect and prevent the violation of the Convention by third parties. In this regard, the State has a responsibility to regulate non-State actors so that they abide by the principles of **CEDAW**. To this end, the rights of women should be protected: through effective laws and policies prohibiting discrimination (e.g., anti-sex discrimination laws); by imposing sanctions against discriminatory acts; and through implementing effective mechanisms by means of which women can obtain redress for rights' violations [Articles (f) and (g)] and all its agents should refrain from any discriminatory action or practice.

Article 23 of **UDHR** states that everyone has the right to work and to the free choice of employment.

Article 23(2) of **UDHR** states that:

*“Every one without any discrimination has a right to equal pay for equal work.”*

Similarly, Article 23(3) states that:

*“Everyone who works has a right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.”*

Article 26 states further:

*“Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and vocational training shall be made generally available and higher education shall be equally accessible to all on the basis of merit.”*

### **2.3 National Legislation and Policy**

Article 21 of **Uganda’s Constitution** provides for equality and freedom from discrimination, in particular that all persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law and that neither the state nor any person should discriminate against another on the ground of sex.

Article 33(5) provides that women have the right to affirmative action for the purpose of redressing the imbalances created by history, tradition or custom.

Article 32 provides that the state shall take affirmative action in favour of groups marginalized on the basis of gender, age, disability or any other reason created by history, tradition or custom, for the purpose of redressing imbalances which exist against them. As a step toward fulfilling this duty, the government has established the **Equal Opportunities Commission** pursuant to Article 32(3) in order to redress gender imbalances. Article 33 of the Uganda Constitution provides for the rights of women to equal treatment with men, equal opportunities in political, economic and social activities. Women are also to be accorded full and equal dignity of the person with men. The state also has a duty to provide the facilities and opportunities necessary to enhance the welfare of the women to enable them to realize their full potential and advancement. The Article further provides that the state protect women and their unique status and natural maternal functions in society.

Section 3 of Uganda's **Prisons Act**, 2006 spells out the objectives which include:

*“to contribute to the protection of all members of society by providing reasonable, safe, secure and humane custody and rehabilitation of offenders in accordance with universally accepted standards.”*

Section 5(b) provides that prisons are:

*“to facilitate the social rehabilitation and reformation of prisoners through specific training and educational programmes.”*

...and in terms of Section 5(c):

*“to facilitate the reintegration of prisoners into their community.”*

Section 57 also provides that:

- (a) *a prisoner shall be treated with the respect due to his/her inherent dignity and value as a human being;*
- (b) *no prisoner shall be discriminated against on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;*
- (c) *(a prisoner shall be permitted) freedom of worship, whenever conditions allow;*
- (d) *(a prisoner shall be permitted) to take part in cultural activities and education aimed at the full development of the human personality;*
- (e) *(a prisoner shall be permitted) to undertake meaningful remunerated employment;*
- (f) *(a prisoner shall) have access to the health services available in the country without discrimination of their legal situation.*

The **National Gender Policy** provides for mainstreaming gender in all aspects of the development process. While the goal of the **National Action Plan on Women** is to “*achieve equal opportunities for women by empowering them to participate in and benefit from the social, economic and political development of Uganda,*” similarly, Uganda's overall planning framework, the **Poverty Eradication Action Plan (PEAP)**, pays specific attention to gender mainstreaming as a critical

aspect of the plan. It is however important for Uganda Prisons Service to incorporate gender mainstreaming while planning for all the departments since it is a state actor.



## CHAPTER THREE

### 3.0 METHODOLOGY AND METHODS OF DATA COLLECTION

#### 3.1 Methodological Framework

##### *3.1.1 The Women's Law Approach*

Before going to the field of research, I needed to develop an appropriate research framework to guide me in my study and this was the **Women's Law Approach (WLA)**. This methodology takes women as the starting point because it draws from women's lived realities in this context the lived realities of women in prison and after imprisonment. The methodology was important in examining and understanding the situation of women prisoners. For example I have worked in prison for three and half years as a social worker but I did not know what women went through after imprisonment. This methodology analyzed the lives of women, then engaged the law and triangulated the position of women in a legal perspective. It was important also that this approach was supported by empirical data collected from the real woman experiencing the problem and it was an open door to discussing women's experiences on the ground. For example as a prisons social worker you do not know what women go through after imprisonment. This relates to prison reform initiatives. It was also very important for me to use this approach in prison because I did not know that women start panicking towards the end of their prison terms. Therefore the WLA is good because it gives women the opportunity to use their own voices to tell the world exactly what it is like to live in a place that so often forgets or misunderstands them.

I used this methodology mainly because of the interactive nature of how it gets information from the women about their lives and activities (Bentzon et al 1998). This methodology helped me to analyze critically which data to collect and how to interpret it. For example, former women prisoners did not know that government was responsible for their security after imprisonment; this was because former women prisoners were afraid of being known by community members thinking that they would be re-arrested. The same applied to women in prison; they did not know that the government was responsible for preparing them for reintegration and rehabilitation.

Using the women's law approach you discover that what you assume on paper does not always the truth on the ground. Women have different experiences. For example women prisoners have different prison experiences from former women prisoners, and they have different needs all together. Therefore the interactive nature of women's law approach causes you to adjust your assumptions and to focus on lived realities of the women. Stang Dahl 1987 observes:

*'The methodology of women's law is cross disciplinary and plural and calls for a rather free use of available material wherever it can be found.'*

(Stang Dahl, 1987)

### **3.1.2 The Grounded Theory Approach**

When I started my research, I did not know much about the lived realities of former women prisoners but then I engaged with the social actors in community. I also used the Grounded Theory Approach. Grounded theory is another research and analysis tool that I used in this research Bentzon *et al.* (1998: 15) describe grounded theory as:

*'... an iterative process in which data and theory, lived reality and perceptions about norms are constantly engaged with each other to help the researcher decide what data to collect and how to interpret it.'*

This process is best explained through what is known as 'the dung beetle method'. It was the grounded approach process in which I collected data, filtered and analyzed it while considering the implications of my findings. I used this method to determine what to collect next or meet the needs and continue the collection and analysis circle. (Stewart et al 2001:18) This research methodology assisted me to collect data that I had no idea of before the research process started. I used grounded theory to analyze my assumptions in order to see which ones were holding up and which ones did not and had been challenged. This was especially true of my assumptions that were not holding. Some assumptions were completely disproved; therefore I had to explore why this was the case.

As a student of women's law, I examined the extent to which the community and other social actors respect or fail to respect the rights of former women prisoners and serving women prisoners. It was also important for me to assess whether women released from prison enjoy the same human rights they enjoyed before they were incarcerated. I also examined the instruments by trying to ascertain whether the rehabilitation of women in prison is seen as a human rights issue aimed at benefiting women's needs. I looked at the international human rights instruments, the national laws of Uganda and Uganda Prisons Act to ascertain whether the UPS discriminates or not against women on the basis of their sex during reintegration and rehabilitation activities. This enabled me to make an assessment as to whether UPS as a Uganda government actor is complying with the country's human rights obligations.

The main goal was to interrogate community's perception towards former women prisoners. The community therefore became the main actors in the form of recipients of former women prisoners; for example, one respondent said that:

“The journey to prison starts from the community and ends in the community. Therefore women who killed their own husbands sometimes are disowned by their relatives and the community.”

Other actors included Uganda Prison Service, Ministry of Gender Labour and Social Development as the Ministry, Jinja Local Government Administration, NGOs, Faith Based Organizations. It was important for me to find out the perception of relevant actors that were dealing directly with former women prisoners after release. I found out that former women prisoners go and get transport from some Faith Based NGOs.

One of the leaders said:

We support former women prisoners by giving them economic support when they come but we do not support their economic developments. Sometimes we give them seeds, seedlings spray pumps when they show that they have land. We do not evaluate their progress because we do not know where they stay. Women are more afraid of going back to their homes because they are not sure of what will happen when they go back. I preach to them a word of God while in custody and I always emphasize to them to go to church when they reach their communities so that they remain with

Christ, we get more former women prisoners who ask for assistance from us than former men prisoners.

It was probably more important for me to engage different actors and structures in order to have a wider knowledge of how different actors and structures understand pre- and post- released women prisoners.

### ***3.1.3 Feminist Research Methodology***

This methodology encompasses all aspects of the feminist research process, such as questioning of what knowledge is (epistemology) and the actual techniques that are used to create the knowledge (methods). The goal of feminist methodology is to listen to the unheard voices (Madge et al., 1997). I listened to the former women's prisoners' experiences and women prisoners' experiences and stories regarding their plight in managing pre- and post-prison experiences. I used the experience I have gained as a social worker to create a relaxed atmosphere with the former women prisoners which made them at ease sharing information with me about themselves.

### ***3.1.4 The Sex and Gender Analysis Approach***

When I started the journey to my research, I did not know how I would use the sex and gender analysis approach. Prison is a male dominated institution and women prisoners are judged according to male standards. Surprisingly administrators of women prisons do not realize that they judge women prisoners using male prisoners' standards. For example women prisoners sometimes chop fire wood. When I went deep into my research, sex and gender issues started emerging. For instance women's issues were treated in the same way as those of male prisoners. However it was as a result of this approach that I realized that women needed to be treated differently from men. For example, it is a biological truth (lived reality) that women prisoners menstruate, some have babies and some need more psychological support than men due to their differed biological make-up. The gender and sex analysis tool helped me to discover that women are discriminated in society especially after imprisonment. Sex and gender, helped me to discover the indirect discrimination elements of the highest order against women in prison. I put this approach to the test in a prisons

reintegration meeting by asking for the women prisoner's reintegration plan and women's budget. I was surprised by the responses from my fellow male audience. Some of them said:

“He wants to take advantage of women's situation and (get) their attention.”

Others said:

“He is doing women's law in Zimbabwe that is why he likes women a lot.”

Others asked me outside the meeting:

“What were you thinking (when you decided) to defend women?”

Others told me:

“Your points were good but you addressed them to (the) wrong forum.”

The gender and sex approach helped me to realize that women prisoner's needs are different from men's needs and need to be addressed differently.

The Uganda Prison's inability to understand the unique sex and gender needs of women in prison may be perceived as discrimination on the basis of sex. It is worth noting that while 'gender' has been described as the social construct throughout one's life cycle Benzton (1998: 82.); 'sex' may be described as one's biological make-up. Bentzon A.W. (1998: 82.) Treating men and women the same does not cater for the biological differences between them. For example female prisoners experiences in Zimbabwe showed their dissatisfaction at being treat in the same way as men *Musengezi Chiedza* (2003:160). One woman said:

“One thing that really hurt me was that we were treated the same, there was no respect of how men and women sat. We would all be packed together in the Jail truck”.

## **3.2 Research Design And Methods**

I used different research methods to conduct the research because the respondents were not all in the same place. For example, I used: in-depth interviews, focus group discussions, personal observations and telephone interviews.

### ***3.2.1 The Sample***

The research sample comprised as follows. I interviewed about 20 female inmates/respondents in Jinja Female Prison; 6 members of its prison staff; 6 Heads of Department of Jinja District Headquarters; 8 members of NGO staff; 5 members of staff from Uganda Prisons Headquarters; 5 male Local Council Chairmen from Jinja District; 25 former women prisoners living in Jinja District; 14 Government Ministry officials. The interviews were aimed at finding out and exploring the views of former women prisoners and the response to them of other social actors.

## **3.3 Data Collection Methods**

### ***3.3.1 In-depth Interviews with Key Respondents***

The advantage of this method was that I could easily tell the number of men and women I interviewed and was able to know and assess their responses in matters regarding my research findings. Having both a male perspective and female perspective was a good starting point for assessing my approach. I used individual interviews in an attempt to get as much information as possible from different respondents. I managed to carry out useful interviews in Uganda Prisons Headquarters. I used my research questions to guide my interviews. The respondents included senior prison personnel and members of NGOs, Government Ministries, Faith Based Organizations and other social actors in the community. I also carried out interviews as part of the triangulation process and therefore I made follow-ups of some actors that were mentioned by the respondents. This is demonstrated in the table below.

Interviewees	Female	Male	Total number
Female respondents/inmates in Jinja Female Prison	20	0	20
Members of prison staff of Jinja Female Prison	6	0	6
Guards	4	3	7
Former women prisoners in the community	25	0	25
Staff of NGOs	4	4	8
Staff from Uganda Prisons Headquarters	0	5	5
Local Council Leaders	0	5	5
Government Ministry Officials	4	6	10
Community Members	4	6	10
Total	67	29	96

**Table 1: Showing the Respondents involved in the research**

### ***3.3.2 Focus Group Discussions (FGD's) and Observations***

A FGD may be defined as a group of interacting individuals having some common interest or characteristics. The purpose of the focus group discussions with current and former women prisoners was to gain knowledge of their experiences with the reintegration process. I did this by interviewing a group of people who had already been released and had gone through the

reintegration process and those who were still in prison and were preparing for reintegration. The purpose of these focus group discussions was not only to find out former women prisoners' experiences and what women in prison expected after their release, I also wanted to find out what role the prison officers played in assisting them to reintegrate into society.

Carrying out FGDs was a challenge in some cases. For example in one instance as soon as the discussions started with a group of 7 former women prisoners I realized that I was only talking to 3 of them. They were very vocal and seemed to consider themselves as everyone else's representatives. The other 4 women remained quiet and tended to look on. There was a particular woman who had an opinion about everything and at times I got the sense that she was not being very honest because there are actually instances when some of the other former women prisoners disputed what she was saying about the experience in the community. After the interviews I asked one woman why the situation was the way it was. She told me that the 3 women were expecting immediate help like money from me and they thought that if they made out that their situation and the community they lived in were so bad I might be persuaded to do something for them like giving them capital.

Secondly I faced another challenge with conducting FGDs in prison because whatever female prisoners would tell me they would do so while looking at the prison guards. At certain point I realized that they were not telling me the truth. Therefore I had to use my own judgment to assess their veracity.

This method was useful especially where the subject matter under discussion could not be easily expressed; for example some former women prisoners showed much emotion when they recalled what they suffered at the hands of their former husbands before imprisonment. There was a large presence of prison guards during both the focus group discussions and the individual interviews. It became imperative for me to use my eyes as well as my ears in order to really understand the women's lived realities. I watched them closely when they gave answers and how this changed when the guards moved away. I also noted that some of the information I was being given was in the form of non-verbal or body language especially when they wanted me to take note of something they did not want the guards to overhear. I also observed rehabilitation activities used to prepare



women prisoners before reintegration and I could not see a learning environment for women prisoners since the place was too small this made me make my own independent conclusions, that women have no space in prisons. This was because other male prisons were bigger and had enough space for learning and accommodating various activities like rehabilitation and education.

### **3.3.3 Qualitative Research Methods**

I used qualitative methods as well. I used desk research which was vital for collecting relevant information concerning relevant law and literature. This meant I had to read various books, documents, other research writings, newspaper articles, text books and journals. My experience and educational background also had an effect on the interpretation of data. The remedy to this is use of a critical reflective analysis since the investigators position affects every aspect of the research process. I carried out literature research in the library and on the internet. The internet search was to try and find out whether there had been great improvements in the use of UN Minimum Standard Rules on the treatment of women in prison. There was generally very little information on the topic which showed that it is still an area in need of further research.

### **3.4 Assessment of the Methods**

The qualitative method came with its own challenges. This type of data collection method is structured, time-consuming and difficult. But it provided me with an opportunity to hear former women prisoner's voices, women prisoners' expectations after imprisonment and the views of the community including other stake holders.

Since prisons are high risk security areas some of the focus group discussions took place in the presence of at least two prisons guards present making it impossible to get information from prisoners especially if they felt that it would get them into trouble.

Finally the in-depth interviews had their own challenges. Sometimes I had to wait for a long time to get to talk to the informants. This is because prison is a security sensitive institution that fears

giving out sensitive information which is against their mandate. However I used my experience and position at least to get relevant information through interaction with some senior staff. Generally the different approaches helped me to effectively triangulate the findings and I was able to achieve the objectives set out in my research.

## **CHAPTER FOUR**

### **4.0 FINDINGS, DISCUSSIONS AND IMPLICATIONS**

#### **4.1 Community Discrimination against Former Women Prisoners after their Reintegration**

Although I worked in the Uganda Prison Service (UPS) for three and half years, I did not actually know what former women prisoners went through after their reintegration back into society. Although I heard anecdotal information about former women prisoners, I had no serious interest in them (I am ashamed to say) since they were women and this, I fear, may still be the view of my male colleagues. In fact, many issues were raised when I declared that I was going to do a Masters in Women's Law in Zimbabwe. I felt challenged when I was asked how relevant women's law was to prison. However I cannot blame my male colleagues because prison is a male-dominated institution with little knowledge about women prisoners. When I looked more closely at the situation of former women prisoners who were going back to their communities I noticed how challenging the situation was for them. Prison seemed to have had a devastating effect on them and they were like newborn babies yearning for help and guidance in everything they did or tried to do relating to their communities. This is because they own absolutely nothing in their communities, to the point that some of them do not even own a dress to wear when they come out of prison.

When, as part of the research process, I thoroughly interrogated both former women prisoners and their communities, it was revealed that deep-rooted patriarchal and cultural practices within the community were the main causes of the distress and discrimination suffered by former women prisoners. When I considered what I was told prior to the masters in women's law, I related this to my findings in the field, I realized that pre-released female prisoners had acquired nothing to help them. The community fails to accept former women prisoners and they view them as persons of low value who lack access to resources. Former women prisoners are poor and vulnerable and are not accepted by the community. It was revealed that most communities in Jinja have patriarchal structures of leadership where men dominate everything in all aspects of the society. It is against this background that women do not own land (like their male counterparts) so there is no place and

nothing for them to return to after reintegration. A woman may have jointly acquired land with her husband and may have spent her entire adult life cultivating the land, but she cannot claim ownership of the property. If her husband dies, the land generally goes to the sons (Bauer and Britton 2006:124). Women are generally regarded as the property of men and it is very difficult for a woman to own anything in her marital home. Therefore it is very difficult in this male dominated society for most former women prisoners to return to their marriages because they are belong to men and men make decisions about them without necessarily consulting them. The research revealed that most men in Jinja marry when their wives are imprisoned. This accords with the observations of radical feminists who argue that the patriarchal system is characterized by male power and their dominance oppresses women (Dahl T.S 1987:13). Women are perceived as inferior to men and hence denied participation in matters concerning them and decisions are made arbitrarily for them (Dahl T.S 1987:43). Women as property of men find it very difficult to exercise their own their sexual rights or to make decisions concerning themselves as wives or individuals or as mothers of their children. There is a need to find a balance between observing cultural rights and gender equality simply because most women lose out in favour of cultural rights upon their release.

#### ***4.1.1 Marital Issues***

Most women wait for their husbands to return home from imprisonment because society expects this of them and shapes them to do so. This bears out the fact that power within a marriage remains in the hands of the man because he dominates the ownership of land and property UNODC (2008).

Women in prisons focus group discussions were expecting to go back and re-unite happily with their husbands after they were released. According to my research findings, however, this was not happening and some of them had not been visited by their husbands in prison. It is important to note that women received fewer visitors than their male counterparts. I realized also that husbands who come to visit only appear once in a blue moon and normally come simply to ask their wives to help them locate things in the house which they have been unable to find. Others were not visited at all by their husbands, but surprisingly cheered up the moment their husbands' names were mentioned. It was quite clear that most women in prison had too many expectations about what would occur

after their release and the reality for released women prisoners was very different from what they had expected, especially for married women. For example one woman prisoner said:

I stood surety for my friend in court and later she disappeared so I was convicted for four months. After release I will go back to my husband and re-unite with him. I have taken a period of three months in prison without seeing him. But I know he is okay because he has other wives and I was his third wife.

In the research, I found out that most married woman prisoners had difficulties in returning to their marital families because they looked worried about where they would going after their release. This posed a serious crisis for the reintegration of women because the mandate of Uganda Prison Service is to rehabilitate and reintegrate all prisoners as law and abiding citizens. Okoth R.O., et al (2011) argue that social reintegration is the process of preparing the prisoner for the transition from life in prison environment to the community after release. They argue further that social rehabilitation involves helping an offender to be accepted into the community where s/he was originally residing.

This is what Uganda Prisons Service and administrators ought to do for all prisoners. This has had serious implications for married women prisoners because their husbands usually reject them on return from prisons. However this strategy has successfully worked well for unmarried women returning back to their natal families than those returning to marital families. Unmarried women were easily accepted by their families compared to married prisoners. This shows that serving and former women prisoners had different problems and experiences.

One former married woman prisoner related her experience as follows:

I was imprisoned for one year after convicting me of theft. I was never visited by friends and my husband. It took me long to get used to prison hard life and in the process I did not learn anything from rehabilitation programmes because of the pain of imprisonment but again I knew that I would go back and reconcile and reunite with my husbands . I was surprised when my husband told me to leave him when I left prison. He still accused me of being a thief and said that he could not trust me any more. He told me not to take anything because I came with nothing to his house. I tried to ask for forgiveness but my husband rejected. I sought a remedy from the relatives of my husband and Local Council Chairperson but I was not listened to because I had no money to give them. After crying for long and

blaming God for why I was born a woman I had to leave my marital home which I participated in constructing, It was unfair to me because I used to dig day and night in order to have our house finished. It was unfortunate that my husband forgot all that. I am now living in Jinja doing laundry in a taxi park but God will reward him.

Another married woman prisoner gave this story:

I was arrested because my husband stole my money and gave it to my co-wife that annoyed me and I fought that woman. I was taken to police later to court and I was convicted and given one year. I am thinking about my children all the time because I heard that they are staying with my father in law and he is very (too) old to look after them. Since I was imprisoned my husband has never come to visit me or to bring for me any form of assistance. I am worried of where to start from when (I) am released because I have no capital to start from with my children. I have learnt skills in tailoring and if I am helped to get capital I can start my own business which will support me with my children. I do not want to go to my husband because I have known that he does not love me he instead wanted to enjoy my money only.

Women in prison have a lot of expectations about what life will be like for them after their release; but out is different upon release. Generally, former women prisoners are not valued by their communities: rather, they are stigmatized, rejected and driven away by their husbands simply because, socially, a woman is not supposed to commit crime and go to prison.

Most former women prisoners were very emotional when they told me how they were abandoned by their husbands immediately after they left prison. They were also upset by the fact that they also lost their children who stayed with their husbands. They could not get this out of their minds. In several instances former women prisoners cried while narrating their stories concerning the harsh treatment, stigma, rejection and unfairness shown to them by their husbands on returning to what were their rightful matrimonial homes.

It is well documented that female prisoners experience a high degree of emotional trauma as a consequence of the concerns they have for their marriage and children, and often exhibit anger, anxiety, sadness, depression, shame, guilt, decreased self-esteem and a sense of loss. Stanley and Byrne (2000).

### **4.1.2 Implications**

Relating to former women prisoners' stories and the discrimination of women upon release in community, it is significant that this is another element that cannot easily be recognized by law just because women have no formal way of reclaiming their marriages upon release and social workers in prison have not kept in touch with the families of incarcerated women simply because of the low facilitation in managing women prisoners' issues and the community. Tibatemwa-Ekirikubinza, L(1999).

Research has revealed that Uganda does not adequately prepare prisoners for their eventual return to society, several women who had stayed in prison for long periods expressed fear about getting back into the now unfamiliar world.

For example, one former married woman prisoner had this to say:

I was in prison for a period of two years I was convicted for child abuse. My husband never visited me in court and prison until I was released. The day of release I stayed at my friend's house and the following day I went to the pastor who used to preach to us in prison and he gave me transport to my home area. He gave me money for transport and told me always to go to church and pray every Sunday. I reached very late in the evening because I stayed very far from where I was imprisoned. When I reached my marital home I found when my husband had married another woman. He welcomed me and said that since I could not look after his child very well, he had to remarry someone who could easily take care of his child. He told me to stay for one night and go back to my Aunt because I had gotten problems in my marriage and I was not capable to match the standard. When I woke up in the morning I just went back to my friend in Jinja and am now working in a bar as a waitress I am not yet married. The skills I learnt in prison cannot help me to survive surely because learning was not consistent and it was based on tribal background therefore I could not learn in that environment.

The inadvertent discrimination of women prisoners has created serious problems for former women prisoners in the community because of not preparing them sufficiently to help them earn a living for themselves after their release and this has manifested itself clearly in Jinja where pre-released prisoners have lost their marital homes for good. There is also serious need for a massive community sensitization drive to change the negative attitudes towards discharged prisoners and

reduce the stigmatization of imprisonment. UPS should willingly support the department of rehabilitation by providing logistical support with regard to means of transport in order to enhance effectiveness in former women prisoner's needs. Women activists should challenge unequal power relations with men emanating from their socialization which often relegates them to subordinate positions in matters of marriage and relationships. A key issue here is the double harm suffered by former women prisoners: they are former prisoners and they are poor.

#### ***4.1.3 Local Structures for Conflict Resolution in Jinja***

The study has revealed that Local Council Chairpersons, Clan Leaders, Faith Based NGOs, marriage counsellors and the Church have an important role to play in helping former women prisoners at village level but there are weaknesses in the way they handle matters relating to former women prisoners. For example men are the dominant power holders in the decision-making bodies in the community. One of the issues affecting former women prisoners is the need to restore their marriages and re-build sound relationships within the community after imprisonment. This should be taken as a priority while considering the deep emotional pain that former woman prisoners go through. For instance if this is not handled with a high level of sensitivity, former women prisoners may take matters into their own hands and re-offend. It should be noted that, when I was carrying on this research, some women who were in Jinja Prison for murder and causing grievous bodily harm, mentioned that they tried to resolve their marital problems using these community leaders and Police. To their dismay they were not adequately assisted. Interventions are needed to help such women and legislative rules must be amended to help women and improve their access to justice at community level.

Article 32(2) of Uganda Constitution clearly states that:

*'Laws, cultures, customs and traditions which are against the dignity, welfare or interest of women or any other marginalized group to which (1) relates or which undermine their status, are prohibited by this constitution.'*



It is argued that where social welfare provision from the government is functional, the government is mandated to give assist such families with transport for them to visit female inmates incarcerated in places far from home. The revised European Prison Rules of 2006, Rule #. 17.1 provides that:

*'The arrangements for visits shall be such as to allow prisoners maintain and develop family relationships in a normal manner as possible.'*

Imposing a duty on the Prisons Department to provide appropriate welfare support to prisoners seeking to maintain adequate contact with the outside world (in terms of Rule 24.5 of the revised European Prison Rules) reveals that the rule makers recognize that contact with those outside prisons can be quite difficult for inmates. Women in prison often find it difficult to maintain relationships with their husbands, children and family from whom they are separated because of feelings of guilt or shame. The provision of welfare support by the Prisons Department in this context may enable them to remain involved in their children's lives (Owen, 2003). Not even Local Leaders that are trusted by the whole community can help former women prisoners when they seek help from them. My experience is that many people reform while they are in prison but the challenge is that whatever prison assistance is given to women after they leave prison is too little.

#### **4.2 The Rehabilitation Process lacks Understanding of the Sex and Gender Needs of Women**

It is now three and a half years since I was recruited by the UPS as a Regional Welfare and Rehabilitation Officer. I can openly admit that although I passed the interviews very well, I did not know the mechanism behind welfare and rehabilitation job until I passed through the Uganda Prison Training School (UPTS). In Prison Training School (PTS) I trained for one month then given a region to head. PTS never trained us about women's needs in prison nor on gender issues. It surprised me when I reached my first work station, I found a female prison inside a male prison. I observed further that there was a prison industrial work shop which was headed by an engineer. It had a lot of activities including carpentry, metal work tailoring, art and design and many other activities but I did not see a women's industrial workshop even though there were female prisoners on the premises.

Although I was the Welfare and Rehabilitation Officer for all prisoners in the region, it never crossed my mind to ask why women did not receive rehabilitation training like the male prisoners. It is through this MWL programme that I developed a critical mind of asking why women are inadvertently discriminated in prison. In Uganda, the ultimate goal for imprisonment is to rehabilitate and then reintegrate prisoners back to their communities in accordance with the universally accepted prison rules. I began wondering about the position of women in prison. Despite the fact that Uganda has signed all relevant international human rights instruments including CEDAW, women in prison have continued to face discrimination in rehabilitation programmes and other areas.

It was however revealed through the research that Uganda Prisons Service gives less attention to the rehabilitation of women in prison because sex and gender needs are not a priority. What I found was found that pre-release preparation and post-release support policies and programmes are typically structured around the needs of men and rarely address sex and gender-specific needs of women prisoners in Jinja. This ‘inadvertent discrimination’ was established by the colonial rule administration which Uganda Prisoner Services is still following even during the current era of gender equality! I found that prisons have little knowledge or understanding of women prisoners’ rehabilitation preparatory programmes. During this research it came to light that all former women prisoners faced a range of difficulties during post-release reintegration caused by a lack of understanding of women’s needs in prison. According to Okoth, R. O, et al (2011), after serving a long sentence, a prisoner should be looking forward to the day he/she reunites with family and friends. For most prisoners in the developing world however, the story is very different.

Resources and attention allocated to women’s social rehabilitation while preparing them for release are generally inadequate in catering for women’s psychological needs. It is not surprising that, after their release, women prisoners continue to suffer from discrimination in the community because prisons fail to address particularly on the issue of psychological trauma. Research found that former women prisoners especially married women were rejected by their family members due to the stigma associated by imprisonment. Imprisonment is generally dehumanizing experience and life after imprisonment is a dreaded wave of uncertainty. Imprisonment is accompanied by isolation from former friends; break down of families/marriages, fear of revenge from the

victims/community, social exclusion, loss of employment and stigma associated with imprisonment. Okoth, R, O, et al (2011). Research indicates that a prison's failure to give attention to the sex and gender needs of women in prison during their rehabilitation process later contributes to their distress in the community. This is because women prisoners leave prisons when they are inadequately prepared.

The main function of prisons in Uganda should be to prepare all prisoners for their reintegration and acceptance in the community as good and abiding citizens and this is clearly stated in section 5 of the Prisons Act, 2006, whose objects are stated as follows:

*S5(b) "to facilitate the social rehabilitation and reformation of prisoners through specific training and educational programmes."*

*S5(c) "to facilitate the re-integration of prisoners into their communities."*

Although the Prisons Act of 2006 has a clear obligation, it does not adequately and practically cater for women prisoners' special needs. For example there are inadequate rehabilitation programmes for women in prisons and UPS has no specialized personnel to ascertain and analyze implementation strategy of women's needs and affairs. Okoth, R.O. et al (2009) argue that if a former prisoner is not prepared well and assisted to cope with life after prison, he/she will end up re-offending either for survival reasons or out of frustration. Others may be eliminated/cast out by the society which is suspicious of and hostile towards former offenders.

#### **4.2.1 Problems of Rehabilitation in Female Prisons**

Women prisons are constructed as if they were simply extensions of male prisons. This means that they have less space for establishing workshops for women prisoners. The research indicated that, compared with male prisons, women's prisons tended to provide less access to educational or vocational training which posed a serious problem of rehabilitation for women prisoners. It is also argued that when programmes for women are made available to them, they are often of lesser quality and relevance than those offered to men. QUNO (2005). In relation to the UN document, rehabilitation programmes provided for female prisoners in Uganda are substandard compared to

those for male prisoners. For example, women prisoners are not offered any advanced level education programmes. Based on the above, women prisoners are inadvertently discriminated against by prisons due to the fact that prison authorities seem only to recognize men and not women.

It is argued further that most countries, even where prison conditions are not physically violent, women prisoners are discriminated against as compared to male prisoners in almost every aspect of prison life - including decisions made as to pre-trial detention, opportunities for education and employment, healthcare, and in the exercise of marital and parental rights. In many cases this discrimination is not intended by the prison authorities, but is the effect of the prison system being designed for men (QUNO 2005).

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment has observed that female detainees are all too often *'offered activities which have been stereotyped as 'appropriate' for them (such as sewing or handicrafts), whilst male prisoners are offered training of a far more vocational nature.'*

An example of this attitude is reflected in what one prison officer said:

“Women are very weak, and too vulnerable to be rehabilitated. If we give them similar work with (to) men, for example, if we send them to graze cattle they can become pregnant which is against prison policy and rules. However women have no space in the prison and less can be done for their rehabilitation.”

Kampala Women Prison started formal educational programs which could provide substantial education for women after custody. It is important also to note that although women prisoner's rehabilitation activities are supported by NGOs, men are still in a better position to sustain their lives after imprisonment as is reflected in Table 2 below.

Women's Rehabilitation Activities	Men's Rehabilitation activities	
Sewing	Carpentry	Hair cutting
Farming skills	Formal education	Preaching
Plaiting hair	Welding	singing
Hand craft	Electrical installation	Wood work design.
Tailoring	Plumbing	Functional Adult Literacy
Planting nursery beds	Shoe making	tailoring
Functional Adult Literacy	Painting	Radio repair
Singing	Building/ construction	Metal work
Formal education	Brick making	
Cooking	Computer	
	Herbicide application	
	Poultry farming	

**Table 2: Showing the Rehabilitation Programmes for male and female prisoners**

In an interview with the Officer in Charge of Jinja Female Prison, she said:

“I hear female prisoners were being enrolled to formal education in Kampala Prisons.”

I followed this up and I interviewed the Officer in Charge of Kampala Women Prison who said:

“Formal education of women has been there but moving at a lower velocity unlike the male prisoners. Female prisoners who enrol to (in) formal school have to constitute high levels of discipline before enrolling to formal education. Education in Luzira Women Prison (Kampala) is a privilege not a right. Therefore if one is ill-behaved she can be stopped from schooling. Women prisoners enrol to (at) school beginning from Primary to university level and we are having sixteen [16] female students in secondary school and twenty two [22] female students in primary school (for) this year 2012. We have had the best female candidate called Kigula Suzan with grade 18 points aggregates and she is being prepared to enrol in London University and study an online degree programme.”

According to me, a privilege or advantage which is extended to one person/group of people but not to another/others who is/are eligible for the same privilege/advantage constitutes discrimination.

The statements of the officers-in-charge at Jinja and Kampala Women Prisons reveal that they are both so heavily influenced by gender-stereotyping that women prisoners in their care are being discriminated against in the rehabilitation process.

Rehabilitation Programmes that women access in female prisons in Uganda are typically comprised of activities deemed suitable for the female gender (as shown in Table 2). I believe this means that prisons continue to impose role models on women which exist in society, thereby failing to help them overcome the restrictions imposed by stereotypical perceptions. A prison has no specialized personnel to advice and address the implication of neglecting substantive rehabilitation of women prisoners. Nevertheless, account should also be taken of the fact that in some societies it may be difficult for women to find jobs in fields which are perceived as male occupation. Therefore, there is a need to maintain a balance between sustainable rehabilitation for women in prison and men.

It is also argued that, due to the role models society imposes on women or due to discriminatory traditional customs, young girls in many cultures are not given equal access to education. As a result, the majority of women prisoners worldwide, and especially those in low income countries, are likely to have minimal education or are illiterate. Education is an important means of helping women gain self-confidence and independence. Prisons may be the first chance for such women to learn how to read and write, or to receive basic education. Education will not only improve these

women's lives and job skills, but will also help them overcome their low self-esteem. UNODC (2008).

Research has also shown that UPS has been more successful at rehabilitation and reintegration programmes for men than women. Of the many male success stories, one male prisoner who still had five months to serve, was taken to Uganda Christian University by the prison authorities in order to apply for a degree which he later pursued immediately upon his release. The UPS had solicited for his scholarship from a charitable organization prior to his application to the university (Okoth, R, O et al 2011).

During the research I did not have a chance to visit formal classes provided for women prisoners because the new term had not started and everyone was out doing her assigned duties including general cleaning, kitchen duties and other daily routine work within the women's prison.

Research indicated that women suffer more than men from psychological problems during their imprisonment; therefore much psychological counselling caused by trauma has to be dealt with while preparing women prisoners' rehabilitation programmes. It is unfortunate that research has shown that rehabilitation skills given to women prisoners in Jinja Prison have not generally helped them after their release. Okoth, R, O, et al (2011) observe that:

*At entry into prison, new inmates need counselling to help them cope up with their new status and environment. Dismemberment from the family is a particular painful experience to most inmates. It is therefore important to give them guidance and information. I found that prisons had psychiatric nurses in male prison and no one for women prisoners. In fact the rehabilitation given to them adds less value compared to what is given to the men prisoners. Dealing with Women's psychological issues before rehabilitation is very important considering of the whole trial process up to the time of conviction. It is argued that the needs and concerns of women prisoners are different from those of men prisoners. Women prisoners are very often the sole or primary career of young children, and have other family responsibilities, they may be particularly vulnerable to abuse in prison. Women prisoners have different health needs, including related to sexual and reproductive health. In some countries, women may be pregnant and may give birth in prison. Women prisoners suffer from very high rates of mental illness.*

(QUNO 2005)

### 4.3 The Prison Act Is Gender Insensitive to Women's Reintegration

During this research I found that Prisons Act uses a gender neutral approach which treats men and women the same. Although this does not seem to be a bad thing, it fails to address appropriately the issue of substantive equality or the differential treatment of women prisoners at the reintegration stage. It is surprising that the prison authority that plans for all sectors in prisons overlooks the issue of substantive equality which effectively meets women's needs in prison.

However, Rule 34.1 of the European Prison Rules:

*'requires prison authorities to ensure that the prison regime for women is designed with them in mind and is not merely an adaptation of the men's prison regime.'*

I was vehemently attacked by prison audience when I asked the way forward for a women's reintegration plan during a reintegration meeting. (The meeting was aiming at identifying the number of prisoners who were due for release). I was surprised by the responses from my fellow male colleagues in the audience.

I think if I had not studied this Masters of Women's Law Programme I would also wonder why someone would defend or even want to defend the interests of female prisoners. As a result of my leaning experiences during the programme I now think very differently about women in general and women prisoners in particular. Simply put, it appears to me that the underlying dominant standards based on male experiences and interests in decision-making bodies for prisoners simply sustain male standards at the expense of women prisoners. As a result, this increases the burden of women in prison to achieve male standards when in fact the social and economic reality of their needs prove that they are simply not similar to that of men, whether they are in or out of prison.

It should also be noted that the Constitution of Uganda provides explicitly for the principle of Affirmative Action. Article 33(5) provides that women have the right to affirmative action for the purpose of redressing the imbalances created by history, tradition or custom. Article 32 provides that the state shall take affirmative action in favour of groups marginalized on the basis of gender, age, disability or any other reason created by history, tradition or custom, for the purpose of redressing imbalances which exist against them. To reaffirm this, the government has established



the Equal Opportunities Commission pursuant to Article 32(3) in order to balance gender equality. In relation to the above, UPS, being a primary state actor, should incorporate gender mainstreaming not only in their working documents but also into the concrete changes they make on the ground.

It is stated further that on the issue of female prisoners' management, Ruggles Brise (Chairperson of the Prison Commission in England in the early 1920s) pointed to the inhumanity of treating men and women in prison in exactly the same way. He stressed the physiological and emotional differences between men and women in their reaction to prison life and how women suffered much more, mentally, than men (Morris, 1987:107). This therefore emphasizes the need for differential treatment to make prison life more bearable for women without inflicting unnecessary punishment upon them.

The research revealed that formal equality between male and female prisoners alone is not enough to meet the needs of women prisoners at the reintegration stage. It should be noted that functions of the prisons authority Section 10(d) provides that prisons should "*make programmes for social rehabilitation and reintegration of offenders so as to enhance their ability to resettle in their communities.*"

I am sceptical of the above section (d) because of the gender insensitivity it portrays. In relation to my findings, I found that prison structures are designed for men and good example is Uganda prisons.

Uganda Prisons Service statistics of 2007 revealed that women prisoner's educational status was very low and needed more special approach while preparing reintegration programmes. Okoth, R et al (2009) argue that if a former prisoner is not well prepared and not assisted in coping with life after prison, he will end up re-offending either for survival reasons or out of frustration. Others may be eliminated/excluded by the society which is suspicious of and hostile to former offenders. It should be noted that most women in Uganda have low levels of education and chances of re-offending are characterized by low levels of education therefore UPS should apply gender sensitivity towards women prisoners' educational needs. Looking at the number of male prisoner's educational levels and women prisoners' educational levels, it would be unfair to use a male

standard and let women prisoners compete for rehabilitation activities with men when the reality is that they are actually more vulnerable than men both before and after release from prison. UPS should apply human rights approach that includes equal access and equal benefit during post and pre-release programmes.

This research made me realize that if women prisoners' reintegration is treated equally in a man's prison, women will lose out because men and women have different needs during reintegration. I became more confused when prison authorities (who were mainly men) at a reintegration meeting stated that they preferred to reintegrate long-serving prisoners (who were also mainly men) and were necessarily neglecting women prisoners who serve shorter sentences. Again to my dismay a senior and a long serving staff member pointed out that reintegration should begin with prisoners serving 10 year sentences and above; yet most women prisoners are not sentenced for that long (and are therefore excluded from the process). This must make one wonder how women actually benefit from the prison budget when the prison authorities do not apparently take cognizance of women's needs at the reintegration stage. Therefore, based on the evidence, I would argue that prisons should practice differential treatment approach in order for the women to benefit from prison programmes.

Earlier at the same meeting, when under fire for asking about gender-budgeting, I found, to my dismay, that nobody knew what a gender budget was, except two people from the Prison Planning Unit and my supervisor. One officer said:

*"You have raised a new issue that the ministry wants. We have been put under pressure to have a gender budget but I am not sure whether this will be possible because it requires 30% of the entire prison budget go to women but we shall see what to do (what we can do)."*

I wondered why the few women who were in that meeting could not see that men were taking advantage of them. The research observed that female prison staff fail to express themselves logically in the presence of their superiors because they lack confidence and do not even appear sure of the sex and gender needs of the female prison inmates in their care or how to properly articulate them to their male colleagues who continue to form the majority of those whose decisions have such a major impact on the overall well-being of female inmates. This is a very serious problem that needs to be addressed in the struggle against discrimination of female prisoners who

are seen as an anomaly in the male-dominated prisons under investigation and probably in all women's prisons in Uganda. I realized that women's issues were complicated and that one needs a very careful, meaningful and effective gender and sex awareness analysis to solve them. I know this to be the case because, for instance, no woman member of staff supported me against the way I was verbally attacked by my male colleagues for defending the rights of women prisoners including the differential treatment needed in programmes for the reintegration of women prisoners.

#### **4.3.1 Challenges Faced By Women Prisoners**

Women constitute a vulnerable group in male dominated prisons in Uganda due to their gender inferior positions and prison seem not to be conversant with women's rehabilitation needs before their release. The reasons for and intensity of their vulnerability and corresponding needs, have been brought out by this research findings. For example a number of factors associated with the above discourse do not begin with prisons' insensitive policy on gender needs but many issues emerge from the time a woman is arrested. This is seen in a domestic related wrangle caused by the husband of the woman is taken to a male dominated police which might torture her psychologically, she then goes to face challenges in accessing justice on an equal basis with men and a court of law will not consider circumstances under which this woman committed the offence and there will be no gender justice while sentencing the poor woman to prison. However, what is not so well understood is the mechanism to address the various problems that women have and their legal experiences when they commit a crime. This observation is confirmed by Mahjouba Salik (1998).

Schuler, 1986: 330) observed that:

*'...it becomes clear therefore that the legal problems that women face do not lie in the actual laws or legal structure but with the application of those laws and the discriminatory attitudes and actions towards women.'*

Keeping children in prison was probably one of the greatest challenges faced by female prisoners as well as the prison authorities. Ideally children should be left at home but issues of poverty are key in understanding why confinement with the mother becomes necessary. Among these, is the absence of a support system in Jinja Women Prison, especially the research indicated that breast feeding

mothers were denied rehabilitation programmes due to having babies in prison. Babies were seen as problems hindering women's participation in prison activities. This is a result of social construction of a woman in society for example patriarchal set-up of marriage where a woman lives at her husband's village. It is very difficult for her to leave a child at home because society expects her to do so. Borey (1992: 32) argues that:

*'If she has committed an offence against her husband, the chances of being supported by her in laws will be very slim. If residence was in an urban area there will usually be no immediate family close by.'*

Another factor that has to be critically observed and could be an area of future research is the impact of imprisonment on the child. The child is exposed only to females and has no idea of men and the world outside.

#### **4.4 The Rehabilitation Activities for Women in UPS are inadequate for Women's Needs**

Among the reasons for imprisonment in Uganda are the failure of rehabilitation and reintegration programmes. Rehabilitation of prisoners should empower prisoners with knowledge and skills in order to stop them from re-offending or to reduce the rate of recidivism. Related to this is the UPS Strategic Investment Plan II (2010-2011) which clearly states that the legal policy and operational framework of UPS is to provide safe custody for the accused persons in conflict with the law and to provide enabling rehabilitation and reform of such persons so that they may become law abiding citizens. It is unfortunate that women prisoners' rehabilitation is not given priority. It is however surprising that this is completely overlooked in female prisons in Jinja despite its small number of women prisoners.

The research has indicated that rehabilitation programmes that are given to women are completely gender stereotypical and do not aim at empowering women in the wider community after release. It is however fascinating to note that rehabilitation programmes for female prisoners do not correspond to market demands and do not increase women's real chances of earning sustainable livelihoods after their release. The research discovered that prison authorities on the ground in Jinja

have not helped in mobilizing development partnerships with outside services or NGOs to improve vocational training for women in Jinja Prison as stated in Principle 7 of the Arusha Declaration:

*“To invite civil society groups into the prisons to work in partnership with the prison service to improve conditions of prisoners and the working environment of prisons.”*

My research showed that problems former women prisoners faced during re-entry into society are different from these of former male prisoners because the intensity and multiplicity of their post-release needs were very different. For example women suffer particular discrimination after release from prison caused by social stereotypes characterized by the dominant power of men in the community. This is evident from the following statement of a former female prisoner:

“I was convicted for child abuse, after imprisonment. I went back to my husband and found that he had sold our land, married another woman and re-located to another village. I was not reintegrated because I was serving a short sentence . I was in prison for one year, my husband visited me once and said that he would never come back to get embarrassed. I hardly learnt anything in prison rehabilitation programmes. Upon my release I was not prepared well to go back with enough knowledge for my sustainability and I was not given transport to go back home only Pastor Jesse Rich of Calvary Church helped to facilitate my transport.”

The research helped me to understand that male-run female prisons have no knowledge or understanding of the need to address the sex and gender issues faced by former women prisoners once they are released into the wider community. For example, former women prisoners were explicitly rejected by their communities due to the stigma associated with their having been in prison. This is because no one sensitizes the community to the role of prison in Uganda and perhaps the UPS itself often fails to coordinate with relevant stake holders in the community, such as NGOs, Churches, Local Leaders, family members of prisoners and other social actors at the time of the reintegration of former women prisoners.

I would argue that women’s prisons are simply an adaptation of male prisons. As a consequence, prison authorities tend to ignore the specific sex and gender issues of pre and post released women prisoners. This may be due to the negligible number of women committing crimes and the simple failure of the many overlapping systems in place in many jurisdictions (run mainly by men),

including all the country's prisons, to respond adequately to the presence of women in prison or the challenges that they face from the time an offence is committed to their arrest (by the Police), during their trial (before the Judiciary) through to their confinement in prison (under the UPS).

Rafter (1997) argues that what has been ignored is both the physical presence of women in prison and the fact that prisons themselves are gendered institutions, reflecting and reinforcing beliefs about sexual differences. In some communities where polygamy is practised, former women prisoners lose their parental rights and they and their property are relocated. My research found that after imprisonment most former women prisoners in Jinja established a new life, which was likely to cause them economic and social difficulties, in addition to the challenges of transition to life outside prison.

This research clearly highlights some of the practical difficulties former women prisoners face after release from prison. This is borne out by a former women prisoner who said:

“I was rejected by the people in my community after imprisonment. They said that I was a murderer and a witch before imprisonment. When I went back to my former residence I found out that my house was demolished and all my crops were destroyed. My children were taken by my relatives. When I went to the Local Councils Chairperson he told me that the people do not want me back because they think that if I re-settle I will begin bewitching them and he told me that it is safer for me to leave the village. I went to police so that I could be helped to access my land but it was not possible because police asked me for money to buy paper and write my statement. When I brought the papers I was asked for the pen and the necessary documents concerning my land. My house was dismantled and all my valuables taken besides I had just left prison (and) I did not have money. I therefore decided to settle in Jinja town for my safety. I learnt how to make mats and baskets but I do not have capital to start producing my own products for the market. I am working as a day time maid for an Indian diplomat. Sometimes at (the) night I work in a bar as a waitress. I am working to ensure that I send money to my three children because their father died when they were young.”

Another former woman prisoner's experience was as follows:

“When I was released from prison I experienced a lot of stigma and people never treated me the same, they used to call me a murderer. I was isolated in prison because I was having psychological problems concerning the guilt of

murder and imagining where to go after my sentence. I did not participate in learning anything apart from singing. After imprisonment I did not go back to where I killed instead I relocated from one district to another but my worry is how I will go back to my original community.”

Yet another former women prisoner shared her similar experience:

“I was imprisoned after fighting with my boyfriend’s girlfriend; to me this was an embarrassment because everybody knew that I was taken to prison and convicted (to) six months (imprisonment). Since the day I was released I do not feel safe in the village because I feel psychologically tortured when am moving in my home area. Sometimes am referred to as a fighter or a very quarrelsome woman. With such statements characterized by prison back ground who can marry me. I therefore feel comfortable in town where (I) am not known. I never learnt a thing because the sentence was short but am working in my aunt’s bar.”

Based on what these women and others say about the negative reaction of their communities to them after they are released, there is an urgent need for prisons to give women substantial practical skills so that they can be successfully reintegrated back into society after their release by earning their own independent incomes. I discovered that most former women prisoners were not using the few largely unhelpful skills they did learn in prison because they do not add value to their lives and the skills acquired were not on demand by the wider community, as one former woman prisoner commented:

“One time I came from school and I went to my boyfriend’s place as usual to have sex at night because he was paying my school fees and the mode of payment was sex. He passed away after having sex with me. I did not realize immediately that he had died, when I woke up in the morning I realized that he had died I made an alarm and my neighbours came to see what had happened. After a while police arrived and I was arrested and accused of murdering a person. I was taken to court and convicted four five years.

“During imprisonment I was taught how to sew and basket making my people used to visit me and I would give them my products to take home. My mother and father would visit me regularly and wished me well. I learnt how to read the Bible and translate into a language that other prisoner could understand. When I was released pastor Jesse facilitated my transport and gave me a Bible. When I reached home I was welcomed very well and my parents gave me land to settle and grow my own food. I am not isolated or discriminated in my life. I depend entirely on farming as the source of my

income I am not using the prison skills because I have no time of making (to make) baskets.”

Another prisoner narrated:

“I was imprisoned for murdering my boyfriend, who I stabbed in the stomach when we were fighting I was sentenced for six years. When I came back from prison almost everybody in the village came to see me they were surprised because they thought I would never come back, my parents were happy to see me back from prison. After reintegration I tried to go back to the aggrieved family with my parents to apologize for the past but I was not listened to and while in prison I sent several apology letters to the deceased’s family but I was never answered. I got married but this annoyed the grieved family and (they) started threatening my husband through telephoning him (and telling him) that I am a murderer who killed my first boyfriend. This sparked the divorce on grounds that I was a murderer. I explained to him the circumstances under which I committed the offence but he did not listen to me. I learnt tailoring from rehabilitation programmes offered to me in prison but I cannot afford money to buy a tailoring machine of my own.”

Based on the information gathered about the lived experiences of former women prisoners, it became clear that most unmarried women were easily accepted back into their parents’ homes and communities; but it was rather difficult for former married women prisoners because their husbands had often re-married when they were in prison or they simply rejected them due to the stigma of having been to prison. Although the research revealed that while the mandate of Uganda Prisons Service is to rehabilitate and reintegrate prisoners back into their origin communities, that mandate fails to address the issue of women returning to their marital families. This means that Uganda Prisons Service has a lot to do in community sensitization in order to create awareness on the acceptance of married couples once released from prison. It has to apply wisely the approach of sex and gender analysis in the process of reintegrating married women prisoners into their communities and, in doing so, UPS should involve all relevant social actors.

None of the all former women prisoners I interviewed was earning a living from using the skill learned from any prison rehabilitation programme. This is because there was no proper arrangement through which rehabilitation activities would benefit every woman’s situation. Makarati (2001) argues that although documents like the Kampala Declaration recognizes in its preamble that



women are vulnerable and they require special attention, the declaration does not spell out the actual vulnerabilities or the measures that can be taken to address them. Women prisoners in Jinja were not being helped to rehabilitate, those ones who acquired skills were only working to produce mats and baskets for the officers to sell and get money. I witnessed this at the time I was doing my research, it so happened that one prison officer had locked every entrance to the workshops accusing women prisoners and a number of staff of stealing her sewing materials she had bought using her personal money.

Actually the time I conducted this research in Jinja female prison there was a transition that was taking place in the administration of the female prisons. After the change in administration I went back to research more about the reintegration of female prisoners. According to the interview I conducted with one officer at Jinja women prison, she said:

“Women prisoners are selected for rehabilitation programs in prison according to their obedience and behaviour. when the psychological mind fails to acclimatize in prison environment it becomes difficult to engage such a prisoner in skill training. Some female prisoners show interest to learn and others do not because of psychological trauma associated with the imprisonment, women think about children left at home marital issues concerning their husbands and other related issues. Skills training is not based on the interests of a prisoner, we just choose what we think is best for them like tailoring, basket making, sewing, hair dressing, Functional Adult Literacy, bible study and general cleanliness. All women prisoners in Jinja, are given rehabilitation training in order to keep their brain active and avoidance from psychological trauma and to avoid idle minds that would lead them to escaping.”

I would argue that one should have in mind while preparing rehabilitation of women prisoners in Uganda that women themselves can suggest what sort of rehabilitation activities they would like take because they are likely to have some knowledge of what they may need to do after their release in order to survive.

Okoth, R, O, et al (2011) argue that, in order to meticulously plan offenders rehabilitation and reformation, it is fundamental to develop and implement sentence administration plans based on individual needs assessment, classification systems and offender identification systems. It should be noted that educational programmes must take into consideration that women may require basic

literacy instruction in order to be able to fully benefit from them (and that literacy lessons are a necessity in order to be able to understand written prison regulations and to communicate with family members outside the prison). UPS should incorporate income generating projects for women prisoners, such as the use of micro-credit facilities and community-based skills training as a way to teach women useful skills in preparation for their release. Findings from the field indicated that rehabilitation activities that women attained in prisons were not improving their lives in community because they were not designed according to their needs.

In Rwanda, for example, 40% of women prisoners are enrolled in some type of vocational training programme, including tailoring and carpentry. The Government has embarked on training programmes for female prisoners that teach them how to manage micro-projects. This aims to rehabilitate women by providing them with means to generate income and to bring about women's empowerment. QUNO (2005).

Uganda Prison Service views rehabilitation as the processes involved in restoring an offender over a period of time to a position of acceptable behaviour, attitudes and practices. It is aimed at restoring the offender's social functioning abilities so that one can have a productive, responsible, law abiding and meaningful life after serving a term in prison. My findings indicate that this has not worked for most former women prisoners due to the fact that UPS lacks a proper understanding of women's needs while preparing rehabilitation activities in women's prisons. As a result of the above inconsistency, most former women prisoners have remained homeless and abandoned both by their communities and their husbands. According to the stories of their lives told by former women prisoners, a good number of them have been forced to remain in urban centres in order to start new lives away from their former lives and families and, of course, facing new and difficult challenge.

#### **4.5 Key Emerging issues**

During the time I carried out this research, I did not have in mind that emerging issues would be a point to discuss in the write up. But I have found it rather important for me to discuss them due to their relevance to other researchers and other bodies that have an interest in prison work.

It is vital that UPS should not neglect the psychosocial support needs of female staff. These needs should however be sensitively addressed alongside those of prisoners, taking into account the evidence of this research. Some female staff members come from backgrounds similar to those of the women prisoners they care for: they often share with them a history of domestic violence with their male partners, abuse and addictions, which, under the extreme pressure of working in prisons, can translate into extreme stress, emotional trauma and unprofessional behaviour. My observation is that it extremely important and urgent to train prison staff to recognize mental distress in prisoners as well as themselves. It is also important to provide specialist support that would ensure that female staff acquire training in order to complement gender sensitivity policies and programmes in order to reduce incidents of discrimination.

My research indicated that there was a lot of male-dominated influence in planning of women's programmes and activities. UPS has no professional advisors in women's affairs and yet women are part of prison population and entitled to equal benefits and access to prisons reintegration and rehabilitation activities. It is a national mandate for all government departments to comply with the national gender policy. Consequently UPS has to support and encourage equal access to rehabilitation programmes knowledge and career opportunities for women.

## **CHAPTER FIVE**

### **5.0 CONCLUSION AND RECOMMENDATIONS**

#### **5.1 Conclusion**

This research established several relevant facts in the field that indicated that a lot of confusion surrounds the rehabilitation and reintegration processes of women prisoners as a consequence of which women prisoners are less successful than their male counterparts at reintegrating back into society after their release from prison.

The research revealed that the power to decide whether a marriage subsists lies in the hands of men and that they usually reject their imprisoned wives. This problem is exacerbated by the UPS, especially its social workers, and other social actors who have failed in their duties (1) to ensure that prisoners keep in touch with their families during their incarceration and (2) to raise awareness within communities to accept the return of former women prisoners into their midst during the difficult and sensitive reintegration process. Former women prisoners are particularly vulnerable at this stage because they are often impecunious when they leave prison and, if married and rejected by their husbands and families, as they usually are, they lack access to land ownership and property with which they might earn their own livelihoods.

UPS policies and programmes are typically structured around the needs of men and rarely address the unique sex and gender-specific needs of post and pre-released female prisoners. This is because the male mind of the prison management system is not sensitive to women who in many ways are simply treated in the same way as men. It follows that resources and attention allocated to women prisoners' needs are generally inadequate. The unique psychological and emotional trauma associated with female imprisonment is not handled well or professionally due to a lack of skilled personnel in women prisons. Unfortunately, UPS has not engaged women affairs consultants to advise them on the implementation of strategy to cater for the unique sex and gender needs of women in prison.

UPS is more concerned with the equal treatment of all prisoners rather than equal access and equal benefits. For example, UPS provides fewer or no skills training to female as opposed to male prisoners and it adversely applies male dominant standards and experiences in its handling of women's affairs in general which is problematic for rehabilitation and reintegration of women programmes. Prison authorities have not implemented adequate rehabilitation and reintegration programmes especially for women because they do not have a gender budgeting policy and there is generally less funding available for women than men.

## **5.2 Recommendations**

The research findings brought out various issues that Uganda Prisons Service did not know about particularly issues affecting former women prisoners and women prisoners including reintegration and rehabilitation issues concerning women. Based on the above conclusion, I draw up the following recommendations and an action plan for achieving a sustainable desired goal in the management of UPS work.

### ***5.2.1 Reform UPS Policy in line with the National Gender Policy***

Gender training, human rights, training and psychosocial training should be availed to all UPS administration and staff in order to realize the needs of women prisoners.

**Table 3: Showing an action plan or a guiding strategy to achieve policy reform in Uganda Prison Service**

Issues to investigate in UPS	Questions/Issues to consider	Steps to be taken for structural change in UPS
<p>Policy and Action Plans</p> <p>Equal access and equal treatment should be given attention in all UPS policies</p>	<p>Are prison administrators following any gender guidelines in the management of UPS activities?</p> <p>When was it developed and who was involved?</p> <p>Does it consider equal treatment and equal access for all prisoners?</p> <p>Is its implementation being monitored? And by whom?</p>	<p>If there is no gender guidelines show the need to address inequalities between men and women in prison.</p> <p>1)What do the administrators of UPS say about women prisoners needs and what are their needs and what are men’s needs?</p> <p>2)What do existing laws and gender policy say about women and men prisoner’s rehabilitation and reintegration programmes in prison?</p>
<p>Means of communication in UPS</p>	<p>How does information flow and to what extent are women administrators of women prison unit and men included in the communication chain?</p> <p>Is decision making centralised or decentralised?</p> <p>What are the attitudes towards</p>	<p>Adopt a communication structure that recognizes the value of women and men’s perspectives of equally.</p> <p>Explicitly state the country’s commitments to gender equality in all policies and programmes.</p>

Issues to investigate in UPS	Questions/Issues to consider	Steps to be taken for structural change in UPS
	women/men?	UPS as a security institution can centralize certain decision and decentralize relevant matters.
The practical sex and gender needs of women prisoners in UPS	Do the existing laws and gender policies create a safe and practical environment for women in prison to achieve their goal, for example, are they represented in decision making plans in prison administration?	<p>Analyse UPS gender policies and laws with respect to their sensitivity to the different needs of women's and men's programmes.</p> <p>Analyse resource distribution and gender rehabilitation and reintegration activities given to male and female prisoners.</p> <p>Analyse the discriminatory and oppressive elements in resource distribution for men and women in prisons.</p>
Structures influencing UPS policies	<ol style="list-style-type: none"> <li>1) What are the attitudes of legislators and gender advocates towards gender equality in prison?</li> <li>2) How can laws be used to address gender issues in UPS in order to benefit women prisoners?</li> <li>3) Identify key persons in legislation bodies and gender equality advocates that can</li> </ol>	<p>Assess who are the champions of gender equality and laws.</p> <p>Engage all relevant and potential structures, e.g., religious organisations, NGOs and other decision making bodies (e.g., Parliament).</p> <p>Create a country consultative body and inclusive</p>

Issues to investigate in UPS	Questions/Issues to consider	Steps to be taken for structural change in UPS
	<p>change attitudes and beliefs UPS has towards ex women Prisoners.</p> <p>4) Which external agencies (NGOs) can have an influence on UPS programmes?</p>	<p>environment for policy development.</p>
Financial /time resources	<p>Is there funding for multisectoral gender initiatives (all government ministries and NGOs) in Uganda?</p> <p>Is there funding for gender initiatives on the ground?</p>	<p>Allocate budgets for gender capacity building and for actions on the ground.</p> <p>Allocate time for actions at the operational level.</p> <p>Develop indicators to monitor national gender progress in all government sectors, including UPS.</p> <p>Carry out gender auditing in all government ministries.</p>

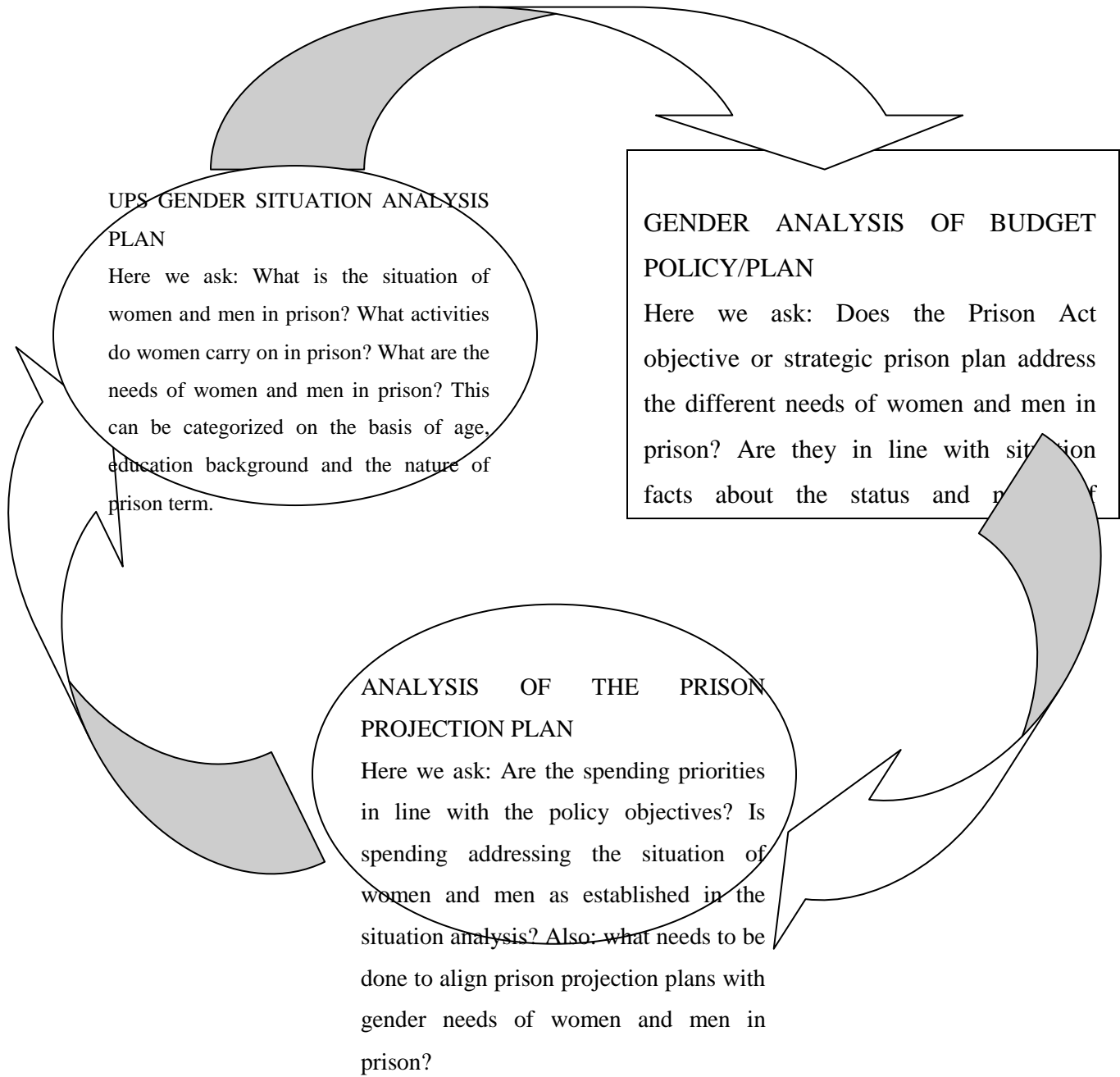


<b>Issues to investigate in UPS</b>	<b>Questions/Issues to consider</b>	<b>Steps to be taken for structural change in UPS</b>
Gender and cultural institutions	<p>Is there a designated gender unit/focal person to address gender and law in UPS departments? What do they do? What resources do they have?</p> <p>Is sensitivity to sex and gender included in prison activities and assessed at implementation level and how are they evaluated?</p> <p>How can the community be encouraged to appreciate former women prisoners' situations?</p>	<p>Establish training in gender mainstreaming, human rights and advocacy as UPS starting point for administrators for</p> <p>Establish professional backstopping support.</p> <p>Involve focal units as an integral part of existing processes and programmes.</p>

### ***5.2.2 UPS should develop a gender budget plan to cater for women prisoners' needs***

To achieve the above (as read with Figure A below) it is necessary for UPS to employ people with required standards and experiences in women's issues and experiences. For example, gender budgeting is a process involving an analysis of the mainstream government budget so as to ensure that the budget priorities and projections address the different gender needs of women and men. These involve understanding the situation of men, women, boys, girls and babies to and identify their different needs. This is followed by analysing the budget (policy) objectives to see whether they respond to the real situation of women and men, boys and girls. In this particular context we look at women in prison. The process involves analysing the projections to see whether they address the situation of women in prison (assuming the policy objectives are gender sensitive). The gender budgeting implementation process should include monitoring and evaluation to ensure that there is equal treatment and equal access.

**Figure A: Diagram showing a possible Gender Budgeting Process for Uganda Prison Service**



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